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THE JEWS OF ROUMANIA AND THE TREATY OF BERLIN

The marvelous contributions of the Jewish people to the spiritual and intellectual wealth of the world entitle them to the gratitude and homage, not the hatred and persecution of mankind.

If gratitude were a supreme virtue of nations, as it should be of individuals, there would never be any organized governmental persecution of the Jews.

If her sense of national honor and international obligation does not incline Roumania to deeds of justice and righteousness, then let the strong arm of force be used and the wrath of the nations be visited upon her.

SPEECH

OF

HON. WALTER M. CHANDLER

OF NEW YORK

IN THE

HOUSE OF REPRESENTATIVES

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SPEECH
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HON. WALTER M. CHANDLER,
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THE JEWS OF ROUMANIA AND THE TREATY OF BERLIN.

Mr. CHANDLER of New York. Mr. Speaker, I wish now to address myself to the subject of Roumanian persecution of the Jew in defiance of the treaty of Berlin, and I preface my remarks by reciting a joint resolution which I have introduced this afternoon.

The joint resolution is as follows:

House joint resolution 133.

Whereas the following is the literal text of Articles XLIII and XLIV of the treaty of Berlin of July 13, 1878:

"XLIII. The high contracting parties recognize the independence of Roumania, subject to the conditions set forth in the two following articles.

"XLIV. In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever.

"The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian state, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions or to their relations with their spiritual chiefs.

"The subjects and citizens of all the powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality."

Whereas the Government of Roumania accepted the terms of said articles of said treaty as a condition precedent to the recognition of her independence; and

Whereas it is a matter of certain knowledge that the Jews of Roumania, numbering about 250,000, have been the barbarized and impoverished victims of Roumanian discriminatory legislation and of Roumanian riots and massacres for a period of more than 30 years in violation of both the letter and the spirit of the treaty of Berlin: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the American Congress that the interests of civilization, the rights of humanity, the principles of eternal justice, and the dignity and sanctity of international law demand that the signatory powers of the treaty of

Berlin compel Roumania to observe the stipulations of the treaty of Berlin in the matter of the treatment of the Jews.

Resolved, That the Secretary of State be requested to transmit a copy of this resolution to the Governments of Great Britain, Germany, Austria, Russia, France, Italy, and Turkey.

Mr. Speaker, in all the history of prejudice the persecution of the Jew has no parallel. Whether born of human wickedness or divine vengeance, Jewish persecution is the strangest of all historical phenomena. When and where it originated and what have been its intensifying and perpetuating causes are still subjects of grave doubt and speculative debate.

When we come to trace the history of prejudice against the Jew and to seek its cause we are led by many labyrinthian paths through shadows of doubt and mystery to a remote antiquity. The popular notion that hatred against the Jew originated in the crucifixion of the Savior is without basis in reason or in fact. The tragedy of Golgotha might have been a perpetuating, an intensifying means, but it was not the origin—the originating principle.

To ascertain the real beginning of Jewish persecution we must antedate the Christian era by several centuries. We must go back to the days of ancient Egypt. We learn from Genesis xliii, 32, that "the Egyptians might not eat bread with the Hebrews: for that it is an abomination unto the Egyptians." Social discrimination and ostracism seem to have been keen and bitter even in those early times. And in the Book of Esther, iii, 8, we find an epitome of much of the complaint made by the anti-Semites and Jew baiters of modern times: "And Haman said unto the king, Ahasuerus, there is a certain people scattered abroad and dispersed among the people in all the provinces of thy kingdom; and their laws are diverse from all people, neither keep they the king's laws." Then Haman added: "If it please the king, let it be written that they may be destroyed." Those were plain, fierce days when thoroughgoing measures were unhesitatingly advised.

How thoroughly the old Romans hated and despised the Jews may be learned from early Roman writers. Cicero, *Pro Flacco*, says: "Their barbarous superstitions must be fought." "The Jews are nothing but a superstitious nation," says Persius. "Their Sabbath is a lugubrious day," adds Ovid. "They worship the hog and the ass," affirms Petronius. Of course, the charge of worshipping the hog was a gratuitous slander, a lie born of calumny and ignorance and perpetuated by hate and superstition.

In the annual carnivals of ancient Rome the Jews were compelled to play the rôles of clowns and buffoons, were forced to

run in the races ridiculously dressed, and were compelled to ride through the streets mounted backward on donkeys, holding the animals' tails in their hands.

When the night of the Middle Ages fell upon the human race Jewish persecution often assumed forms of peculiar malignity and hate. King John of England once caused one of his Jewish subjects to be cast into prison, and then ordered that a tooth should be drawn from his mouth each day until he had surrendered his money. Seven teeth were extracted, one on each subsequent day, until, on the eighth, the unhappy and unlucky man ransomed the remainder of his teeth at the price demanded, 10,000 marks of silver.

In Toulouse, France, it was an ancient custom on certain holidays to slap the Jews in the face publicly and ostentatiously. All the Jews in town were compelled to assemble in the public square. The Count of Toulouse then opened the miserable proceedings by slapping in the face the elder of the Jewish community, and his subjects followed suit, until all the Jews had been slapped and thoroughly humiliated.

In Germany in the eighteenth century, even so grand a King as Frederick the Great persecuted the Jews by contemptible and irritating exactions. He permitted only a certain number of them to marry annually, and then only on condition that they would buy \$300 worth of chinaware from his royal porcelain factory. We are reminded by this that Frederick was not only a scholar and philosopher under the tutelage of Voltaire, but that he was a money-maker as well.

But time does not permit a recital of all the laws of ancient and mediæval ages, whose effect was to embitter the life and degrade the condition of the Jew. The world is already too sadly familiar with the history of his woes. The references already made have been merely academic and introductory.

It now becomes my painful duty to be pointed and practical; to discuss and denounce the brutal and savage persecutions of the Jews by Roumania, reputed to be a Christian nation, pretending to be civilized and enlightened, while violating the most sacred and solemn treaty obligations to her sister nations, while trampling under foot all the charities of the heart, all the tenets of religion, and all the sentiments of humanity—and this at the beginning of the twentieth century—more than a hundred years after the American Revolution established the immortal principle that all just powers of government are derived from the consent of the governed; more than a hundred years after the French Revolution sent the cry of "Liberty, equality, fraternity," reverberating around the globe; and more

than nineteen centuries after the Prophet of Nazareth delivered the Sermon on the Mount; the chart of the soul on the sea of life, whose beatitudes are the glorifications of the virtues of meekness, mercy, peace, gentleness, and love.

The modern Kingdom of Roumania was formed by the union of the ancient Principalities of Moldavia and Wallachia, Provinces situated near the mouth of the Danube, having an area of about 50,000 square miles, and occupying an extent of territory some 350 miles in length and 160 miles in breadth. The shape of the country is an irregular half-moon, touching the Black Sea near the center of the crescent.

The people of Roumania proudly boast a classic antiquity in their supposed descent from the Romans who conquered the ancient Scythian Kingdom of Dacia, which was practically the modern territory of Roumania.

If not classic in history the country of Roumania is at least classic and historic in soil, for the legions of Rome, the hordes of Attila, the crusaders of Richard and Barbarossa, and the Cossacks of Peter the Great, have crossed its borders and traversed its plains.

The language of Roumania has a groundwork of Latin and Slavonic, with a superstructure of Turkish, Greek, and French.

The social, political, religious, and intellectual life of the people is a strange, weird blending of the cruder forms of occidental and oriental civilizations.

The population of Roumania in 1910 was about 6,850,000. Fully 6,000,000 of these were Roumans or Vlachs; the rest were Jews, Armenians, gypsies, Greeks, Germans, Turks, Magyars, Servians, and Bulgarians.

Of the total population of Roumania the Jews number about 250,000. And it is with the Jews of Roumania, in their relationship as citizens and subjects to the Government of Roumania, and with the Government of Roumania in its relationship to its Jewish population, under binding treaty obligations entered into by Roumania with the great powers of Europe, that I shall hereafter in this address deal particularly and pointedly.

I desire especially to discuss the persecution of the Jews by Roumania, in defiance of the treaty of Berlin of July 13, 1878. I shall, however, in the first place, as a foundation for that discussion, submit for your consideration a classified list of Roumanian laws, passed during the half century preceding the assembling of the congress of Berlin, which were intended to discriminate against the Jews. This list, though short, may be tedious and tiresome to study and contemplate, but it will be decidedly illuminating and enlightening when we come to con-

sider the motive and conduct of the great powers in forcing Roumania, through treaty stipulations, to accord better treatment to her Jewish subjects. The following is a résumé, with authorities cited, of the leading Roumanian legal enactments against the Jews between the years 1802 and 1876:

1803. Alexander Monize forbids Jews to rent farms. ("American Jewish Year Book," 1901, p. 48.)

May 18, 1804. Alexander Monize, of Moldavia, forbids Jews to buy farm products. (Loeb, "La Situation des Israelites en Turquie, en Serbie et en Roumanie," p. 212, Paris, 1877, hereafter cited as "Loeb.")

1817. Code Cahmachi, section 1430, forbids Jews of Roumania to acquire real property. (Loeb, p. 213.)

By 1818. Code of John Caradja, of Wallachia, repeats the church laws against allowing Jews to be witnesses against Christians. (Am. Jew. Yearbook, 1901, p. 50.)

By 1819. Code of Kallimachor of Moldavia gives civil rights to Jews, who, however, may not own land. (Am. Jew. Yearbook, 1901, p. 50.)

1831. Fundamental law of Moldavia, chapter 3, section 94, orders all Jews and their occupations to be registered; Jews not of proved usefulness are to be expelled; others of same class shall not be allowed to enter. (Loeb, p. 214.)

March 11, 1839. Tax of 60 piasters per annum placed on Jews of Moldavia. (Loeb, p. 215.)

December 12, 1850. No Jew allowed to enter Roumania unless possessed of 5,000 piasters and of known occupation. (Loeb, p. 216.)

May 5, 1851. Appointment of commission of vagabondage at Jassy to determine right of entry of foreign Jews. (Loeb, p. 216.)

June 17, 1861. Circular of Roumanian ministry preventing Jews from being innkeepers in rural districts. (Loeb, p. 217.)

April 12, 1864. Communal law of Roumania permits only those Jews to be naturalized who (1) have reached the grade of noncommissioned officers in the army (2) or have passed through college (3) or have a recognized foreign degree (4) or have founded a factory. (Loeb, pp. 107-108.)

December 4, 1864. Jews excluded from being advocates. (Loeb, p. 124.)

December 7, 1864. Elementary education of all children between the ages of 8 and 12. (Sincerus, "Les Juifs en Roumanie," hereafter cited as "Sincerus.")

April 14, 1866. Ghika, Roumanian minister of interior, permits Jews already settled in rural districts to keep farms till leases run out, but they must not renew them. (Loeb, p. 218.)

March, 1868. Law submitted to chamber preventing Jews from holding land, settling in the country, selling food, keeping inns, holding public office, trading without special permits. Jews already settled in rural districts were to be driven therefrom. This was withdrawn April 5 in fear of the intervention of the powers. (Loeb, pp. 169, 311-312.)

June 23, 1868. All Roumanians forced to serve in Army, "but not strangers" (Loeb, p. 109); therefore Jews who served were for this purpose regarded as Roumanians.

December 27, 1868. Jews excluded from medical profession in Roumania. (Loeb, p. 124.) Clause omitted in decree of June, 1871.

January 15, 1869. Jews not allowed to be tax farmers in rural communes. (Loeb, p. 112.)

July, 1869. Note of M. Cogalniceano to French consul at Bucharest refuses to consider Jews as Roumanians. (Loeb, p. 102.)

October, 1869. Extra tax put on kosher meat at Roman and Focsan. (Loeb, p. 127.)

October 25, 1869. Jews prevented from being apothecaries in Roumania, except where there are no Roumanian apothecaries. (Loeb, p. 125; Sincerus, p. 102.)

November 10, 1870. Servian Jews obliged to serve in Army. (Loeb, p. 57.)

February 15, 1872. All dealers in tobacco in Roumania must be "Roumanians." (Loeb, p. 120.)

April 1, 1873. Law forbidding Jews to sell spirituous liquors in rural districts. (Loeb, p. 188.) A license may be given only to an elector. (Sincerus, p. 19.)

These enactments show the legal disabilities of the Jews. But they do not tell the full story of shame and humiliation of a long-suffering and wretched people. Written in the calm and dignified phraseology of the law they can not and do not recount the bloody details of riot and massacre, whose occurrence was the disgrace of civilization and whose horrors compose the blackest chapters of Roumanian history. I will not harrow your feelings with a recital of the details. I shall content myself with a simple and dispassionate discussion of legal rights and treaty obligations in the matter of Roumania and the Jews.

It was at the close of the War of the Crimea that the great Governments of Europe first gave serious attention to the oppressions of the Jews by the rulers of the principalities of Moldavia and Wallachia, the Provinces from which the kingdom of Roumania was afterwards formed. At that time the first decisive effort was made to relieve the legal disabilities of the Jews.

The following articles of the protocol of the conference of Constantinople of the 11th of February, 1856, imposed, it must be admitted, rather exacting terms upon Moldavia and Wallachia:

XIII. All the religions and those who profess them shall enjoy equal liberty and equal protection in the two Principalities.

XV. Foreigners may possess landed property in Moldavia and Wallachia on discharging the same liabilities as natives and on submitting to the laws.

XVI. All Moldavians and Wallachians, without exception, shall be admissible to public employments.

XVIII. All classes of the population, without any distinction of birth or religion, shall enjoy equality of civil rights and particularly of the right of property in every shape, but the exercise of political rights shall be suspended in the case of natives placed under a foreign protection.

The language of these articles was an emphatic and unequivocal declaration in favor of civil and religious liberty for all the inhabitants of Roumania. A complete realization of the protec-

tion afforded by these articles would have been all that the Jews could reasonably have asked. But such a thing was not to be. No such blessing was in store for them. The reigning Prince of Moldavia, Gregory Ghika, began at once a course of subterfuge and evasion for the purpose of rendering abortive the intentions and efforts of the powers. He contended that a strict application of the provisions of these articles was impracticable, if not impossible, on account of the great number of unassimilated Jews in the Principalities; and two years later he presented a memorial to the congress of Paris asking that the realization of the principle embodied in the articles of the protocol of the conference of Constantinople, which he admitted to be excellent within itself, should be left to the discretion of the local Government, which alone, he contended, knew how to apply the principle. His arguments were plausible, if not sound and righteous, and at last, out of deference to the wishes and pledges of Ghika, the powers modified their intentions by the adoption of Article XLVI of the convention of Paris, which runs as follows:

All Moldavians and Wallachians shall be equal in the eye of the law and with regard to taxation, and shall be equally admissible to public employments in both principalities.

Their individual liberty shall be guaranteed. No one can be detained or prosecuted but in conformity with the law. No one can be deprived of his property unless legally for causes of public interest and on payment of indemnification.

Moldavians and Wallachians of all Christian confessions shall equally enjoy political rights. The enjoyment of these rights may be extended to other religions by legislative arrangements.

Indeed the pledge of Ghika and the expectations of the powers based upon this pledge were that the Jews would be gradually enfranchised and emancipated politically by legislative arrangements. But Roumanian legislation during the past 50 years shows how badly founded were those expectations and how complete has been the evasion of that pledge.

Instead of relieving their legal disabilities, the efforts of the powers to help the Jews through stipulations of the conventions of Constantinople and Paris proved to be a positive misfortune. "So far," says a modern writer, "from ameliorating the condition of the Jews, the convention of Paris by a regrettable accident led to more burdensome disabilities and a more barbarous persecution than they had ever before endured. Under the old organic laws, by which the principalities were governed previously to 1859, the people had no effective voice in the government. Hence there was little cause for jealousy between Christians and Jews, and with the exception of occasional ex-

plosions of religious fanaticism, they lived together in harmony. The new order of things established in 1858 destroyed this equality. It gave to the Christian population a monopoly of political power which they were not slow to use against their trade rivals among the unenfranchised Jews. This unfortunate incidence of the convention of Paris was aggravated by the new electoral law under which a preponderating franchise was reserved for the mercantile classes, with whom the Jews, being chiefly of the same classes, most directly competed. The result was that not only was the fulfillment of Article XLVI of the convention of Paris rendered impossible, but the whole influence of the mercantile electorate was employed to obtain the imposition of fresh disabilities upon the Jews and to inflame the religious and racial prejudices of the populace against them. Instead of gradually emancipating them in accordance with the provisions of the convention of Paris, even their status as 'non-Christian Moldo-Wallachs,' acknowledged in that instrument, was denied them. They were assimilated by the civil code of 1864 to aliens, though admitted by the code to be 'indigenes,' and were made dependent on a difficult and tedious process of naturalization for their acquisition of political rights (Arts. VIII, IX, and XVI). Even the privilege was withdrawn from them by the constitution of 1866, which declared (Art. VII) 'that only Christians may obtain naturalization.' Consequently Article XLVI of the convention of Paris remained a dead letter."

In the meantime the Jews of Roumania were more bitterly oppressed than ever. New laws discriminating against them were passed; riots and massacres were renewed with greater fury. They were languishing in a bondage worse than that endured by their fathers in ancient Egypt when hope was revived again among them by the adoption of Article XLIV of the treaty of Berlin of July 13, 1878.

The Berlin congress of 1878 was a gathering at the German national capital of the brainiest and most brilliant statesmen of Europe. The purpose of the congress was to settle the questions growing out of the Russo-Turkish war of 1877-78.

On the 24th of April, 1877, Russia declared war against Turkey with the avowed object of protecting the Christian inhabitants of the Ottoman Empire. Bulgaria, Roumania, Servia, and Montenegro were either tacitly or openly the allies of the Czar. After varying successes the fortunes of war finally favored the Russians, and the fall of Plevna opened the way to Constantinople. The Turks sued for peace, and on March 3, 1878, the treaty of San Stefano was signed. Some of the terms of this

treaty were displeasing to several of the Governments of Europe. Austria and England were decidedly dissatisfied. The political changes made and the territorial readjustments provided for in the treaty, together with the exaction of 1,400,000,000 rubles war indemnity, which promised to cripple most seriously the resources of the Turkish Empire for years to come, practically made the Czar permanent arbiter of Balkan affairs. To avert such a catastrophe had been the traditional policy of Austria, and to prevent a result so disastrous to her interests England had waged the war of the Crimea.

Assuming the initiative in the matter Count Andrassy, in the name of the Austrian Government, dispatched a circular note to the signatory powers of the treaty of Paris of 1856 and the London protocol of 1871 suggesting an international congress for the purpose of establishing "the agreement of Europe on the modifications which it might become necessary to introduce into the above-mentioned treaties," in view of the provisions of the treaty of San Stefano. The suggestion of Count Andrassy met with a ready response. Germany was especially willing to co-operate with England and with Austria, her ally, in the assembling of a congress of which her own great statesman, Bismarck, was sure to be the dominating figure. Russia was naturally displeased with the turn events had taken. She felt intuitively that she would lose all that she had gained in the war with Turkey if she consented to the revision of the articles of the treaty of San Stefano by an international conference dominated by her enemies.

But she was powerless to resist. She demanded, however, as a condition of giving her consent to the assembling of the proposed congress and of her participation in its proceedings, that the scope of its powers be limited by the exclusion of certain clauses of the treaty of San Stefano from its consideration. The reply of Disraeli, on behalf of England, to this demand was to mobilize the militia and to bring Indian troops to the Mediterranean. Finding that the diplomatic support which she had hoped to receive from Bismarck had failed her, she took the hint, and finally consented to submit the whole question of the Balkan situation to the determinations of a new international conference.

On the 3d of June, 1878, Count Münster, in the name of the German Emperor, invited the delegates of the signatory powers of the treaty of Paris of 1856 to assemble at Berlin. The invitation was accepted. Great Britain was represented by Lord Beaconsfield, Lord Salisbury, and Lord Russell; Germany by Prince Bismarck, Prince Hohenlohe-Schillingsfürst, and Baron

von Bülow; Austria by Count Andrassy, Baron Karolyi, and Baron von Haymerle; Italy by Count Corti and Count Launay; France by William H. Waddington, Félix Désprez, and Le Comte de Saint-Valliers; Russia by her imperial chancellor, Prince Gorchakov, Count Shuvalov, and Paul D'Oubril; Turkey by Alexander Pasha, Ali Pasha, and Sadullah Bey.

These distinguished representatives of the leading nations of the world—lords, princes, barons, counts, ambassadors, and prime ministers—men renowned in statesmanship, diplomacy, law, and letters, convened, and organized the Congress of Berlin, on the 13th day of June, 1878, under the presidency of Prince Bismarck.

On the 13th of July, a month after the assembling of the congress, the treaty of Berlin was signed. It consists of 64 articles.

Two great purposes of the delegates of the congress are revealed in the terms of the treaty:

(1) The reconstruction, upon an equitable basis, of the map of southeastern Europe;

(2) The establishment of the independence of certain Balkan States upon a foundation of civil and religious liberty.

The first great purpose was achieved, in the main, by certain territorial changes. Bulgaria was divided into two parts—Bulgaria proper and eastern Rumelia. Parts of Armenia were given to Russia and Persia. Bosnia and Herzegovina were transferred to Austria, and Bessarabia was restored to Russia.

The second great purpose was accomplished by the recognition of the independence of Roumania, Servia, and Montenegro under terms of guaranty by them of civil and religious liberty to all the inhabitants of their territories.

In the archives of history are few more important documents than the treaty of Berlin. It readjusted the boundaries of kingdoms and empires. It proclaimed the independence of states and the freedom of races. It was, above all, a grand proclamation of religious emancipation.

The conditions of life among the Jews of Roumania were far more pitiable and their political situation was infinitely worse when the Berlin Congress convened in 1878 than they had been 20 years before when the conferences of Constantinople and Paris met. In 1858 the legal status of the Jews was admitted to be that of unenfranchised Roumanians. In 1878 they had been declared to be outcasts and aliens, and were cruelly treated as such. A succession of barbarous persecutions, culminating in riots and massacres had reduced them to such a state of misery and degradation that the pity of mankind was excited and the indignation of the civilized world found vigorous ex-

pression in official protests to the great powers of Europe. This was the state of affairs when Roumania asked the delegates to the Congress of Berlin to recognize her independence as a kingdom.

The representatives of the powers knew well the cunning character of Roumanian statesmanship. They remembered distinctly the subterfuge and chicanery employed to evade the pledges given at the time of the conferences of Constantinople and Paris. They recalled that discretion had been allowed and that it had been abused in the matter of the promise of Ghika to emancipate the Jews gradually by legislative enactment. They now resolved to withdraw all discretion from the Government of Bucharest in the matter of the emancipation of its non-Christian subjects. And to the demand of Roumania that her independence be recognized the powers responded with Articles XLIII and XLIV of the treaty of Berlin of July 13, 1878, which imposed as a condition of recognition the absolute equality of all religious creeds and confessions in the Kingdom. The following is the text of those articles:

XLIII. The high contracting parties recognize the Independence of Roumania, subject to the conditions set forth in the two following articles:

XLIV. In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions or to their relations with their spiritual chiefs.

The subjects and citizens of all the powers, traders or others, shall be treated in Roumania without distinction of creed on a footing of perfect equality.

Such were the terms offered by the Congress of Berlin to Roumania as a condition of the recognition of her independence.

Strangely and unfortunately the powers were once again persuaded to agree to a compromise. "That only Christians may obtain naturalization" was a provision of Article VII of the Roumanian constitution of 1866. Acting upon the arbitrary and illegal assumption that all Jews were aliens, Roumania contended that the only disability imposed upon them was exclusion from naturalization under this article, and she consequently proposed to revise Article VII of her constitution as a satisfaction of Article XLIV of the treaty of Berlin. The

offer of Roumania, in other words, was to open the door of naturalization to the Jews, the inference then being, of course, that all other blessings would flow from citizenship.

The powers pointed out in reply that by the Roumanian naturalization law the "equality of citizen" could only be obtained after a probation of 10 years, and then by individual act of Parliament, which was liable to be defeated by the Chambers; and the offer of compromise was consequently declined.

Roumania then changed her ground by deserting her legal position and urging a plea of expediency. She insisted that if the Jews were not aliens in law they were aliens in fact, "not only by their religion, but by language, custom, manners, aspirations—in a word, by all that constitutes distinctive character in a man as a member of society." She contended, further, that the Jews were "illiterate and fanatical," and that they were "peculiarly accessible to foreign influences, and that, owing to their large numbers, they were calculated to strike a fatal blow at the homogeneity of the Roumanian national character." And as a final plea it was urged that "the nation was strongly opposed to an immediate and wholesale emancipation, and that if the powers insisted upon it the effect would be that the cause of religious liberty in Roumania would be endangered rather than promoted."

The powers seem to have been somewhat impressed by the force of these contentions, but, nevertheless, they still declined to admit that a revision of Article VII of the Roumanian constitution would, in full measure, meet the requirements of Article XLIV of the treaty of Berlin.

It was then that Roumania, fearing the shipwreck of her hopes to become an independent nation, gave the most solemn assurances that if the proposed solution was accepted, it would be made to apply at once to all assimilated Jews, and that the naturalization of unassimilated Jews would be provided for and accomplished within a reasonable time.

Sir William White was told by Boeresco, the Roumanian foreign minister, "that if the present bill could only become a law, a more complete measure of emancipation would be accepted by the electorate later on when the present agitations had subsided."

But more specific and emphatic than this were the promises contained in a circular dispatch sent out by Boeresco under date of August 31, 1879, a document that he himself described as "a sort of exposé des motifs of the measure we are about

to submit to the Chambers." The essential passages of this dispatch are the following:

Will the Jews who do not immediately obtain naturalization remain foreigners? No; they will remain what they always have been—Roumanian. But in the measure that they identify themselves with the population of the country, in the measure that by schools and other means of preparation they become enlightened men and attached to the country, they will be able to obtain and exercise political rights.

* * * * *

There will be three categories of Jews—foreigners, Roumanian subjects, and citizens. Hitherto both the foreign and native Jews have been the objects of certain prohibitions, but in their quality of Jew alone. From the moment that article 7 of the constitution shall be suppressed all these prohibitions will disappear, and no distinction will be made between the foreign Jew and the foreign Christian. It will be the same with the Jews who are Roumanian subjects. Hitherto certain civil rights have been denied them. Thus they could not be advocates, professors, State engineers; they could not serve on juries, etc. Under the new régime they will have, in the first place, all the rights enjoyed by foreigners in general. Then, as Roumanian subjects they will have the right of serving in the army and the national guard, the right of acquiring real estate, the right to be advocates, to serve on juries, to exercise freely every profession and every trade; they will, in short, have the same civil rights as Roumanians and will be protected in the same way by the same law and by the authorities. (Official documents extracted from the diplomatic correspondence of 2/14 September, 1878; 17/29 July, 1880. Bucharest, 1880, pp. 121-123.)

The Governments of Austria and Italy were somewhat inclined to accept these assurances, but England, France, and Germany still demanded that legislative guaranties be given for the faithful observance of the treaty and that this be done within a reasonable time, if not immediately.

The negotiations between Boeresco and the powers were still in progress when the Roumanian Parliament passed an act revising Article VII of the constitution, which was soon afterwards promulgated by the Prince in the following terms:

In room of Article VII, which is revised, the following shall be placed:

"ART. VII. The difference of religious creeds and confessions does not constitute in Roumania an obstacle to the acquirement of civil and political rights and their exercise.

"1. Every foreigner, without distinction of creed, whether enjoying any foreign protection or not, can acquire naturalization under the following conditions:

"(a) By addressing to the Government an application for naturalization, in which must be declared the capital he possesses, his profession, and his wish to establish his domicile in Roumania.

"(b) By residing in the country for 10 years after having made this application and by proving by his acts that he is useful to the country.

"2. The following may be exempted from this delay of residence (10 years):

"(a) All who shall have introduced into the country industries, useful inventions, or distinguished talents, or who shall have founded large commercial or industrial establishments.

"(b) All who have been born and educated in Roumania of parents domiciled in the country and have, neither in their own case nor that of their parents, at any time been in the enjoyment of any foreign protection.

"(c) All who have served with the colors during the war of independence, and these can be naturalized collectively on the proposition of the Government by a single law, without further formalities.

"3. Naturalization can only be granted by a law, and individually.

"4. A special law will determine the manner in which foreigners can establish their domicile on Roumanian territory.

"5. Roumanian and naturalized Roumanian citizens can alone acquire rural estates in Roumania.

"Rights acquired up to the present time are respected."

The international conventions existing at present remain in force, with all their clauses and for the term mentioned therein.

This decisive action of the Parliament of Bucharest, bold in design and prompt in execution, seems to have changed the notions of the powers, for they soon afterwards consented, though reluctantly, to the Roumanian solution. But before giving their final consent they required the Roumanian Government to make a formal declaration of acceptance of the principle of Article XLIV of the treaty of Berlin and of its resolution to act upon it "loyally and sincerely." The required obligation was expressed in the following note:

Article 7 of the Roumanian constitution, sanctioning the principle of article 44 of the treaty of Berlin, has opened to the Jews access to citizenship and has abrogated all existing laws. That principle will continue to be observed sincerely and loyally. The organic powers will devote themselves to assuring its respect and will pursue its application with the view of securing a more complete assimilation of the Jews.

* * * * * Meanwhile all Jews residing in the country will possess, from the point of view of private civil law, an assured juridical position, and will have no cause to fear arbitrary administrative measures or exceptional laws aimed at confessions or religions. (Statement by Signor Cairoli in the Italian Parliament, Dec. 9, 1879.)

Upon the receipt of this note Austria and Italy signified their willingness to recognize the independence of the new Kingdom.

After considerable hesitation Great Britain, France, and Germany did the same, but not before they had made it perfectly clear to the Roumanian Government that they were well aware that the conditions of the treaty of Berlin had not been fulfilled and that they relied upon the solemn pledges of the principalities "to observe them in the spirit and to execute them gradually in the letter."

That there might be a clear understanding of the situation the three last-mentioned powers presented an identic note to M. Boeresco on the 20th of February, 1880. The following are the essential paragraphs of that note:

Her Majesty's Government can not consider the new constitutional provisions which have brought to their recognizance—and particularly

those by which persons belonging to a nonchristian creed domiciled in Roumania, and not belonging to any foreign nationality, are required to submit to the formalities of individual naturalization—as being a complete fulfilment of the views of the powers signatories of the treaty of Berlin.

Trusting, however, to the determination of the prince's Government to approximate more and more in the execution of these provisions, to the liberal intentions entertained by the powers, and taking note of the positive assurances to that effect which have been conveyed to them, the Government of her Britannic Majesty being desirous of giving to the Roumanian Nation a proof of their friendly sentiments, have decided to recognize the principality of Roumania as an independent State. Her Majesty's Government consequently declares themselves ready to enter into regular diplomatic relations with the prince's Government.

Such was the result of the diplomatic negotiations of nearly two years in which the great powers of Europe had again been cajoled and hoodwinked by a contemptible little Balkan principality. Roumania had secured the recognition of her sovereignty and, in return, had given promises and pledges which the developments of the last 30 years show she never intended to fulfill.

The congress of Berlin of 1878 accomplished nothing more in fact than did the convention of Paris of 1858. The illusory pledges of Prince Gregory Ghika remained unfulfilled for 20 years. The promises of the Government of King Charles have been equally false and hypocritical, for more than three decades have passed and yet nothing has been done to meet the just expectations of the powers. A new generation of Roumanian Jews have been born in the land, and yet they are as far from emancipation as were their fathers. The night of oppression and persecution still hovers over them and the day of freedom and regeneration still seems far away. They are still held to be aliens and outcasts in the land of their birth; naturalization is still practically inaccessible to them; and the sufferings of persecution are still as great and painful as ever.

Roumanian statesmanship triumphed in the matter of the compromise of 1880, not by honest methods of skillful diplomacy, but by craft and cunning and through the negligence of the powers themselves.

It was a regrettable mistake that the Governments of Europe should have overlooked two fatal defects in the compromise. In the first place they should by all means have forced from the Roumanian Parliament a legislative acknowledgment that Jews "belonging to no other nationality and enjoying no foreign protection were Roumanian nationals in the sense of article 46 of the convention of Paris and of the admission of M. Boeresco in his dispatch of August 31, 1879."

Again the Roumanian Parliament consists of two chambers. All naturalization bills are individual and must pass each chamber by a two-thirds majority. Paragraph 3 of the revised Article VII of the constitution left Jewish petitions for naturalization at the absolute mercy of the Parliament. This was the second fatal defect of the compromise which should not have been overlooked by the powers.

These defects are all the more to be lamented because they furnish loopholes of escape to Roumania in the matter of keeping her naturalization pledges under the treaty. They gave ground for the practice of rank hypocrisy, and at the same time for a plea of seeming justification in terms of law.

The unfortunate result has been that in the matter of naturalization, so far from keeping her pledges, Roumania has almost completely ignored them, for the Roumanian chambers have in nearly every case refused to pass bills intended to confer citizenship upon the Jews. Since 1880, the date of the recognition of the new Kingdom, only 176 Jews have been naturalized out of a total population of 100,000 adult males, the greater part of whom are natives, and many thousands of whom have bravely and patriotically performed military service for the Roumanian fatherland.

When arraigned at the bar of the nations and charged with bad faith in the matter of broken pledges, the defense of Roumania is at once astonishingly simple and amazingly cynical. She simply revives her ancient argument that the Jews are now and have always been strangers and aliens in the land, and that the treaties of 1858 and 1878, under strict interpretation, did not alter their status. When pointed to the formal and categorical pledges of 1880, and the admission of M. Boeresco in 1879, which directly contradicted and repudiated her contentions in this regard, and, moreover, when reminded that Great Britain, France, and Germany had recognized her independence only after she had specifically and emphatically renounced such a theory, she simply points to the equivocal revision of Article VII of her constitution, which Europe had accepted under pressure and protest, and declares that she is bound by that alone.

Strange to say, no attempt is ever made by Roumania to conceal the hypocrisy or to hide the bad faith of her astonishing defense. Indeed, eminent writers of Roumania have frequently boasted of the trick which was successfully played on Europe. One of these, M. Suliotis, writes in this manner:

The treaty of Berlin was thought to work wonders in favor of the strangers, but Roumania has been wise enough to escape the inconveniences which might have resulted from the application of article 7 in the sense of the treaty of Berlin, which has had no other effect than to render more difficult the situation of the aliens.

Again, writing in the *Romanul* of December 25, 1881, M. Rosetti, an ex-minister and one of the leading statesmen of the Kingdom, has this to say:

We may congratulate ourselves to-day on having solved the Jewish question in a national sense, and that—we may now avow loudly—contrary to the manifest will of the powers and even contrary to the spirit of the treaty of Berlin.

The solution of "the Jewish question" in "a national sense," it will be readily seen, was by the simple method of having the Roumanian Parliament pass laws antagonistic to "strangers," and then have all public officials of Roumania regard the Jews as "strangers," in the application of those laws.

Nothing can better illustrate the determined efforts of the Roumanian Government to evade its pledges in the matter of the treaty of Berlin than its systematic legislation against "strangers," which was, in fact, intended to apply only to the Jews. The following classified list of laws, discriminating against the Jews, will prove conclusively that Roumania, from the very beginning, never had any intention of fulfilling her obligations under Article XLIV of that treaty:

October 21, 1879, Roumanian Senate passes law stating that distinction of religion shall not be a bar to civil or political rights, but that "strangers" may obtain naturalization only by special law on individual demand and after 10 years' residence. (Act VII of constitution; Sincerus, pp. 3-4.)

June 6, 1880. The directors and auditors of the National Bank of Roumania must be Roumanians. (Sincerus, p. 77.)

March 18, 1881. Law of expulsion passed, authorizing minister of interior to expel or order from place to place, without giving reason, any "stranger" likely to disturb public tranquillity. (Sincerus, p. 146). (Originally intended against Nihilists after murder of Czar, but afterwards applied to Jews.)

July 16, 1881. Law promulgated declaring that all "agents de change" or "courtiers de merchandise" must be Roumanians or naturalized, except in the ports (where there are Christian "strangers"). (Sincerus, p. 45.)

October 21, 1881. Ministerial council extends the law excluding Jews from the sale of liquors in rural districts to cities and towns included in such districts. (Sincerus, pp. 22-23.)

November 11, 1881. All "strangers" in Roumania required to obtain a permit of residence before they may pass from place to place. (Sincerus, p. 163.)

February 26, 1882. Jews forbidden to be customhouse officers. (Sincerus, p. 53.)

November 3, 1882. Roumanian Senate passes law declaring all "inhabitants" liable to military service, except subjects of alien States. (Sincerus, p. 35.) See above, June 23, 1868.

January 31, 1884. Roumanian Senate decides that "strangers" have no right of petition to Parliament. (Sincerus, p. 197.)

March 19, 1884. Law passes prohibiting hawkers from trading in rural districts. (Sincerus, p. 65.)

April 15, 1885. Pharmacy law permits minister of interior to close any pharmacy not under direction of a recognized person; pharmacies
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may be acquired only by Roumanians or by naturalized citizens; permission to employ "strangers" extended to 1886. (Sincerus, p. 104.)

March 13, 1886. Electors of chambers of commerce must be persons having political rights. (Sincerus, p. 75.)

June 16, 1886. Druggists must be Roumanians or naturalized citizens. (Sincerus, p. 84.)

December 7, 1886. Account books must be kept in Roumanian or in a modern European language. (Sincerus, p. 81.) (The object was to keep out Yiddish.)

February 28, 1887. All employees of the "regie" must be Roumanians or naturalized. (Sincerus, p. 29.)

April 28, 1887. Farmers of taxes in Roumania must be persons capable of being public officers. (Sincerus, p. 89.)

May 22, 1887. Majority of administrators of private companies must be Roumanians. (Sincerus, p. 78.)

May 24, 1887. Five years after the foundation of a factory two-thirds of its workmen must be Roumanians. (Sincerus, p. 94.)

August 4, 1887. Ministerial circular orders preference to be given to children of Roumanians in the order of admission to public schools. (Sincerus, p. 123.)

1889. Of 1,307 permits issued to hawkers, only 123 went to Jews; of these, only 6 were held in Wallachia. (Sincerus, p. 70.)

August 31, 1892. Retired Jewish soldiers are not allowed to serve as rural gendarmes. (Sincerus, p. 40.)

April 21, 1893. Professional education permitted to "strangers" only when places are available and on payment of fees. The number of "strangers" on the roll of such an educational institution must not exceed one-fifth of the total roll, and these may not compete for scholarships. "Strangers" are not admitted at all to schools of agriculture. (Sincerus, p. 138.)

May 20, 1893. Roumanian Senate passes law giving preference to children of Roumanians in elementary public schools and placing a tax on children of "strangers" admitted. (Sincerus, p. 129.) This tax amounted to 15 francs for rural and 30 francs for urban schools. (Ib., 127.)

June 26, 1893. Royal decree declaring all functionaries in the sanitary service must be Roumanians except in rural districts. "Stranger" invalids may be admitted to free public hospitals only on payment of fees, and they may not in any case occupy more than 10 per cent of the beds. A "stranger" may be taken as an apprentice by an apothecary only where there is a Roumanian apprentice. (Sincerus, pp. 106, 110, 115.)

January 26, 1894. Farmers may be represented in law courts by their stewards if the latter be Roumanians, not Jews. (Sincerus, p. 44.)

May 22, 1895. Students in the military hospitals and army doctors must be either Roumanians or naturalized citizens. (Sincerus, p. 117.)

April 13, 1896. Jews may not act as intermediaries at the customs in Roumania. (Sincerus, p. 54.)

June, 1896. A ministerial order declares that letters on school business—excuses for absence, etc.—need not be stamped except in the case of "strangers"; only children of "strangers" are required to pay entrance fees at examinations. (Sincerus, p. 130.)

June 26, 1896. Ministerial order instructs rural council that permission to remain in a rural district may be revoked at any moment. (Sincerus, p. 185.)

April 4, 1898. Law permitting secondary instruction of children of "strangers" only where places are available and on payment of fees, though to Roumanians tuition is free. (Sincerus, p. 133.)

October, 1898. Admission to public schools in Roumania refused to 11,200 Jewish children. (Sincerus.)

February 18, 1899. Only Roumanians henceforth admitted as employees on State railways. (Sincerus, p. 97.)

October 21, 1899. Ministerial order closes private Jewish schools in Roumania on Sundays. (Sincerus, p. 141.)

1900. Number of Jewish children in elementary public schools in Roumania reduced to 5½ per cent; in secondary schools, from 10½ per cent (in 1895) to 7½ per cent. (Sincerus, p. 133.)

February 27, 1900. Ministerial circular orders pupils to receive instructions in Jewish private schools with heads uncovered. (Sincerus, p. 143.)

March 28, 1900. On private railways 60 per cent of the employees must be Roumanians. (Sincerus, p. 99.)

April 17, 1900. Ministerial circular orders Jewish private schools to open on Saturdays. (Sincerus, p. 142.)

March 16, 1902. Artisans' bill requires special authorization from the authorities to carry on any trade, only to be obtained by "strangers"—i. e., Jews—on production of foreign passports, and proof that in their "respective countries" reciprocal rights are accorded to Roumanians. (Am. Jew. Yearbook, 1902-3, p. 30.)

The culmination of Roumanian meanness and malignity was reached in the passage of the artisans' bill. Other measures had been designed to cripple and harass, to degrade and humiliate them, but this bill was evidently intended to starve the Jews to death, for it inevitably deprived many thousands of Jewish artisans of the only means of earning their daily bread. The ludicrous absurdity as well as the fiendish cruelty of such a law are shown by the fact that, under its provisions, no "foreigner" was permitted to exercise a handicraft in Roumania unless "he could show reciprocity for Roumanians in his own country." The Jews being "foreigners not under any foreign protection" were unable to prove this reciprocity. They were therefore unable to carry on any trade without violating the law.

Another characteristic illustration of the ingenious method employed by the Roumanian Parliament in framing laws to evade the spirit, if not the letter, of the treaty of Berlin is afforded by the military law of November 3, 1882. By Article I of this law "all the inhabitants" of the country are liable to military service. By Article II "subjects of foreign States" are declared ineligible for entrance into the army. The Jews being "inhabitants" of the country, but not "subjects of foreign States," are required to perform military service, although deprived of all civil and political rights, because of their status as "strangers." Although forced to risk the dangers and bear the burdens of war as privates in the rank they are denied promotion on the ground that "service in the army is a duty, while the rank of officer is a public function reserved for Roumanian citizens." These distinctions and the reasons for them were all solemnly declared in a speech by M. Bratiano in the Roumanian

Senate May 27, 1882. But it is needless to elaborate the question at greater length.

The hideous result of long years of persecution and oppression, of riot and massacre, has been that the Jews of Roumania have been barbarized and impoverished and that life for most of them has been rendered an intolerable burden. Within the last 10 years 60,000 of them have been forced to emigrate and 100,000 others have been reduced to a state approaching vagabondage.

Shall these frightful conditions continue to exist? Shall the barbarous practices of a semicivilized people forever violate the precepts and shock the sentiments of civilization? Shall Article XLIV of the treaty of Berlin become as dead a letter upon the statute books of nations as did Article XLVI of the conference of Paris? What says old England, the land of Magna Charta, of the Bill of Rights, the petition of rights, and habeas corpus, the birthplace of Hampden, Pym, and Cromwell, the grandest and most majestic among the commonwealths of the earth? What says she, a party to the treaty of Berlin? Shall the mighty power that conquered Napoleon and preserved the liberties of Europe be forever defied and mocked by a petty and contemptible little Balkan State? What says France, the brilliant and beautiful among the nations, whose chivalric sympathies sent Rochambeau and Lafayette as ambassadors of freedom to our shores? What says she, a party to the treaty of Berlin? Shall the bad faith and insolence of Roumania go forever unpunished and unrebuked while France, the dauntless and eternal champion of the rights of man, stands mute and motionless? And last, but not least, what says America, the country of Washington, the Republic of Jefferson, the Union of Lincoln, whose Goddess of Liberty in the harbor of New York brandishes forever a torch of freedom as a beacon light to the oppressed and distressed of all the world? What says America, the protagonist of republican virtue and the model of newborn Republics throughout the earth? Shall she give no response and make no protest when a suffering and helpless people ask for sympathy and aid?

But it is contended that America was no party to the treaty of Berlin and that it would be improper therefore for her to seek to interfere in the local affairs of Roumania. There is a grain of truth in this contention, but only a grain. The fatal defect in the argument is that the barbarous persecution and merciless oppression of any race within the borders of any country causing wholesale emigration of the members of that race to other countries as a means of preserving life are the internal affairs of the state guilty of the persecution and op-

pression with which other countries have no concern and in which they should not interfere. Such a contention wrongfully assumes that the intercessory and intervening powers of civilized nations are suspended and paralyzed when the laws of humanity and the rights of races happen to conflict with the local arrangements of some small despotic government.

Whether rightfully or wrongfully, America has already protested, in vigorous and solemn terms, against Roumanian oppression of the Jews; and this protest was not born of the hurry and heat of a political convention or of any other voluntary association of irresponsible persons. It was a calm and deliberate act of American diplomacy, the product of one of the noblest and finest of American intellects.

Following the passage of the artisans' bill of March 16, 1902, which was designed to prevent the Jews from earning a livelihood by any form of handicraft or trade, Mr. Secretary Hay, on August 11, 1902, addressed a ministerial note of protest to the Roumanian Government, pointing out the tendency of such legislation to produce an abnormal stream of emigration to the United States. The following is the essential passage of that note:

The teachings of history and the experience of our own Nation show that the Jews possess in a high degree the mental and moral qualifications of conscientious citizenship. No class of immigrants is more welcome to our shores when coming equipped in mind and body for entrance upon the struggle for bread and inspired with the high purpose to give the best service of heart and brain to the land they adopt of their own free will; but when they come as outcasts, made doubly paupers by physical and moral oppression in their native land and thrown upon the long-suffering generosity of a more favored community, their migration lacks the essential conditions which make alien immigration either acceptable or beneficial. So well is this appreciated on the Continent that even in the countries where anti-Semitism has no foothold it is difficult for these fleeing Jews to obtain any lodgment. America is their only goal.

The United States offers asylum to the oppressed of all lands, but its sympathy with them in no wise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country and to judge accordingly.

Putting together the facts now plainly brought home to this Government during the past few years, that many of the inhabitants of Roumania are being forced by artificially adverse discriminations to quit their native country, that the hospitable asylum offered by this country is almost the only refuge left to them, that they come hither unfitted by the conditions of their exile to take part in the new life of this land under circumstances either profitable to themselves or beneficial to the community, and that they are objects of charity from the outset and for a long time, the right of remonstrance against the acts of the Roumanian Government is clearly established in favor of this Government. Whether consciously and of purpose or not, these helpless people, burdened and spurned by their native land, are forced by the sovereign power of Roumania upon the charity of the United States. This Gov-

ernment can not be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Roumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the treaty of Berlin, to which it was not and can not become a signatory, but it does earnestly appeal to the principles consigned therein because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, for the act of Roumania itself has effectively joined the United States to them as an interested party in this regard.

It might be well to add that a copy of this note of Mr. Hay, American Secretary of State, to the Government of Roumania was simultaneously sent to the Governments of Great Britain, France, Germany, Italy, Russia, and Turkey, the signatory powers of the treaty of Berlin. By this act the United States served notice upon Roumania and upon the great powers of Europe that she considered herself a party to that treaty, if not by direct signature then at least by the laws of humanity, by the principles of eternal justice, by the binding obligations of international law in which all civilized peoples have a common interest, and by the right of self-preservation involved in the necessity of protecting her own population and her own civilization against the barbarized and impoverished victims of Roumanian persecution.

This authoritative action of our State Department some 10 years ago is still a landmark and a precedent. No one will question the righteousness of the motive or the soundness of the political principle involved in this action. No one can effectively contend that this diplomatic step should not have been taken. The only regret that can be expressed is that the results accomplished were not greater.

Historical considerations affecting the discussion of the present question are these: A great Balkan war has just been terminated. Roumania was involved indirectly in the struggle. Changes in territory, similar to those brought about at the close of the Russo-Turkish War of 1877-78, will probably be made. The Roumanians, it is said, contemplate revising their present constitution in view of changed conditions. It is more than probable that the great powers of Europe will again be called upon to adjust, in international conference, various questions growing out of the recent war.

Now, after the lapse of 10 years, Roumanian persecution of the Jews exists in more acute and malignant form than when Mr. Hay dispatched his note of diplomatic protest. Roumanian laws against the Jews have become more stringent and oppressive. Social discrimination and ostracism have become more

pitiless and humiliating. Riot and massacre are still as imminent as ever.

In view of the approaching conference of the powers, what shall be done, what can be done to compel Roumania to act justly and humanely by the Jews within her borders? The powers will have no difficulty, in the matter of the Jews, with any other Balkan State. At the same time and in exactly the same language as that employed in the case of Roumania, Servia and Montenegro promised the congress of Berlin to guarantee civil and religious freedom to the Jews within their territories in consideration of the recognition of their independence. Both Servia and Montenegro have faithfully kept these pledges, which demonstrates conclusively that there was no inherent difficulty, no insuperable obstacle in the way of Roumania's doing the same thing.

My own opinion is that the United States should accept the invitation of the European powers to become a member of the approaching international congress, if such an invitation is extended. I have been reliably informed that our Government was invited to participate in the proceedings of the Berlin Congress, but declined. If we are not invited we should ask that the United States be permitted to be a party to the next conference of the powers. We should then join with other nations in reminding Roumania of existing obligations, and in imposing fresh ones upon her in a manner that will preclude any possibility of violating them in the future. If no new conference of the powers is called, or if the United States for any reason should not be a party to it if one is called, then let us again, and repeatedly if need be, in the language of Mr. Hay, lend our "moral support" to the great cause of civil liberty and religious emancipation, by such representations to the great Governments of Europe as will secure prompt and vigorous action on their part, in compelling Roumania, even at this late date, to perform her pledges under Article XLVI of the conference of Paris and Article XLIV of the treaty of Berlin. If her sense of national honor and international obligation does not incline Roumania to deeds of justice and righteousness, then let the strong arm of force be used and the wrath of the nations be visited upon her.

But why should we do all these things for the Jews, you ask? The reply is that these things are not to be done primarily for the Jews. They are to be done to promote and maintain civil liberty and religious freedom among men; to prevent offenses against international morality and to uphold the dignity and sanctity of international law; and, above all things, to compel respect for the laws of humanity and regard for the principles of eternal justice. These are the primary objects of action to be taken against Roumania.

But if you challenge me to open declaration I will candidly say to you that I am in favor of doing all manner of good things at all times for the Jews simply because they are Jews. And in this declaration is no sickly sentimentality, no maudlin sentiment. I am well aware that the Jewish race is not a perfect one. The Jews, along with all the balance of us, have inherited the curse of Eden. The stamp of sin is upon the Jewish as well as upon the gentile brow. From the records of the courts we gather that there are Jewish as well as Christian criminals. And undoubtedly the sons of Abraham are afflicted at times with all the faults and frailties to which human flesh is heir.

And, again, it should be cheerfully admitted that individual Jews are not entitled to receive and should not receive any particular consideration; any special clemency in the exigencies and crises of life. If Jews steal, they should be sent to prison along with gentile thieves. If they murder, the death penalty should be administered to them as in the case of others. If Jews are physically, mentally, or morally unclean, they should be socially ostracized and banished, as should gentiles who are similarly afflicted. If Jews are guilty of unpardoned sins against the laws of God, they should be consigned to the same place and for the same length of time in the hereafter as in the case of gentile sinners. These statements and concessions I gladly and cheerfully make. But having said these things, I must be permitted to repeat the declaration that where the Jewish race as such is concerned and its rights are involved in terms of religious persecution all doubts should be resolved in favor of the Jews.

The marvelous contributions of the Jewish people to the spiritual and intellectual wealth of the world entitle them to the gratitude and homage, not the hatred and persecution of mankind. If gratitude were a supreme virtue of nations, as it should be of individuals, there would never be any organized governmental persecution of the Jews. The civilized nations of this earth are too deeply and everlastingly indebted to the Jews to be able ever to cancel the obligation. They should at least treat them with humanity and accord them those considerations which are the absolute essentials of happiness in a civilized state.

The ghastly feature of Jewish persecution is the fact that it was probably born of the refusal of the Jews to yield the divine unity of Jehovah to the polytheistic demands of ancient Rome. Pompey the Great conquered Palestine and made it a dependent Roman state some 63 years before the birth of Christ. The ordinary results and usual incidents of Roman provincial administration followed. Among these was the attempt to blend

the religion and mingle the god or gods of the conquered country with the religion and gods of Rome. Jewish monotheism, which civilization to-day prizes as its most precious jewel, was then sought to be destroyed.

The civil and religious differences between Jews and Romans were at once fundamental and fatal. In the first place, these two races have shown themselves to be, by all odds, the most masterful of mankind. The Romans founded the world's greatest physical empire. The Jews founded the earth's most illustrious kingdom of the spirit. In the fiber of both Jew and Roman were to be found those elements of mastery and control that have nowhere else been seen in the organization of any race, with the possible exception of the English. The Romans would brook no earthly opposition and the Jews would submit to none but God. The Romans worshiped a whole host of greater and lesser deities, who inhabited earth and sky, mountains, seas, and streams. Against this polytheism of a most extravagant kind the Jews pitted the doctrine of monotheism, the jealous and exclusive worship of one great God. Again, polytheism was an integral part of the government of the Roman state and could not be attacked or derided without constituting an act of treason against the laws of Rome and the sovereignty of Cæsar. On the other hand, the religion of the Jews and their law were identical. To submit to the worship of Roman gods was not only an act of treason to Jehovah, but was also an abrogation of Jewish nationality and a repeal of all Jewish laws. These considerations constituted a definite and acute issue between the Roman masters of the world and the chosen seed of God. The character of each race was such that neither would surrender, and the result was, of necessity, a mere struggle of the survival of the fittest. Both were victorious. The Romans destroyed the physical kingdom of the Jews; the Jews destroyed polytheism, the religious empire of the Romans; and out of the struggle, which lasted for centuries, grew a bitterness and hate that has been handed down to the modern world as a hideous legacy and from which massacre and persecution have been born and multiplied.

Monotheism is Judaism's great contribution to the religious thought of mankind and to the civilization of the earth. And for consenting that their country should be conquered, their nationality destroyed, and their race dispersed throughout the world, in order that this best and noblest gift of God to man might not be sacrificed to pagan and barbarian superstition, but might instead be transmitted as a heavenly heritage to all future generations of men; the Jews have received, not the gratitude and love but the hate and oppression of the nations.

The Jew is the Prometheus of history. The Æschylean Prometheus snatched fire from the skies and gave it to mankind as a priceless boon. As a reward for his trouble he was chained to a rock while a vulture preyed upon his liver. The Jew received the fire of monotheism from Heaven and gave it to man. For his care and solicitude he has been chained to the rock of the ages while the vultures of hatred, persecution, riot, and massacre have preyed upon his heart.

Another hideous feature of Jewish persecution is the fact that its chief intensifying cause for nearly 20 centuries has been a total misunderstanding and misconception of the real facts and true meaning of the crucifixion of Jesus. The cruel and senseless notion of the implacable wrath of Deity has prevailed in all the ages as an explanation of the destruction of Jerusalem and the dispersion and persecution of the Jews. It is worse than nonsense to see in this event anything but the operation of vulgar physical forces of the most ordinary kind. The fall of Jerusalem was a most natural and consequential thing. It was not even an extraordinary historical occurrence, even in Jewish history. Titus did not so completely destroy Jerusalem as did Nebuchadnezzar before him. Razing cities to the ground was a customary Roman act, a form of pastime, a characteristic Roman proceeding in the case of stubborn and rebellious towns. Scipio razed Carthage and drove Carthaginians into the most remote corners of the earth. Was any Roman or Punic god interested in this event? Cæsar destroyed many Gallic cities and scattered Gauls throughout the world. Was any deity concerned about these things?

Roman admiration was at times enkindled, but Roman clemency was never gained by deeds of valor directed against the arms of Rome. Neither Hannibal nor Mithradates, Vercingetorix nor Jugurtha, the grandest of her enemies, received any mercy at her hands. To oppose her will was to invite destruction; and the sequel was a mere question of "the survival of the fittest." The most turbulent, rebellious, and determined of all the imperial dependencies was the Province of Judea. The Jews regarded the Romans as idolaters, and instead of obeying them as masters despised and defied them as barbarians. When this spirit became manifest and promised to be perpetual the dignity of the Roman name, as well as the safety of the Roman State, demanded the destruction of Jerusalem and the dispersion of the Jews; and destruction and dispersion followed as naturally as any profane effect follows any vulgar cause.

But the advocates of the divine-wrath theory quote Scriptures and point to prophecy in support of their contention. Then Scriptures must be pitted against Scriptures. The last prayer

of the Master on the cross must be made to repeal every earlier Scriptural prophecy or decree. "Father, forgive them, for they know not what they do," is the sublimest utterance in the literature of the world. It is the epitome of every Christian virtue and of all religious truth. This proclamation from the cross repealed the Mosaic law of hereditary sin, placed upon a personal basis responsibility for offenses against God and man, and served notice upon future generations that those who "know not what they do" are entitled to be spared and forgiven. To believe that God ignored the prayer of Christ on the cross, and that the centuries of persecution of the Jews which followed were but the fulfillment of prophecy and fate, is to assail the Messiahship of Jesus and to question the goodness and mercy of Jehovah. Jesus knew the full meaning of his prayer and was serious unto death. To believe that the Father rejected the petition of the Son is to destroy the equality of the persons of the Trinity by investing one with the authority and power to review, revise, and reject the judgments and petitions of the others.

If the Christian doctrine be true that Christ was God "manifest in the flesh"; if the doctrine of the Trinity be true that God the Father, God the Son, and God the Holy Ghost are one and the same, eternal and inseparable, then the prayer of Jesus on the cross was not a petition, but a declaration that the malefactors of the crucifixion who, in the blindness of ignorance, had helped to kill the Son of Man, would receive at the last day the benefits of the amnesty of the Father of mercy and forgiveness.

If the perpetrators of the great injustice of the Sanhedrin and of the Pretorium are to be forgiven because they knew not what they did, is there any justice, human or divine, in persecuting their innocent descendants of all lands and ages? "When Sir Moses Montefiore was taunted by a political opponent with the memory of Calvary and described by him as one who sprang from the murderers who crucified the world's Redeemer, the next morning the Jewish philanthropist, whom Christendom has learned to honor, called upon his assailant and showed him the record of his ancestors which had been kept for 2,000 years and which showed that their home had been in Spain for 200 years before Jesus of Nazareth was born." This half-humorous anecdote illustrates the utter absurdity and supreme injustice of connecting the modern Jew with ancient tragic history. The elemental forces of reason, logic, courage, and sympathy wrapped up and interwoven in every impulse and fiber of the human mind and heart will be forever in rebellion against the monstrous doctrine of centuries of shame, exile, and persecution visited upon an entire race because of the sins and

crimes of a handful of their progenitors who lived more than a thousand years before.

But if the visitation of the sins of the fathers upon the sons is to be maintained and perpetuated as a form of divine, if not of human justice, why not, at least, be consistent in the application of the principle? Many philosophers and critics have detected a striking kinship between the teachings of Socrates and those of Jesus. A celebrated historian closes a chapter of the history of Greece with this sentence:

Thus perished the greatest and most original of the Grecian philosophers (Socrates), whose uninspired wisdom made the nearest approach to the divine morality of the Gospel.

The indictments against the philosopher of Athens and the Prophet of Nazareth were strikingly similar. Socrates was charged with corrupting Athenian youth; Jesus, with perverting the nation. Socrates was charged with treason against Athens; Jesus, with treason against Rome. Both were charged with blasphemy—the Athenian with blasphemy of the Olympic gods—the Nazarene with blaspheming Jehovah. Both sealed with their blood the faith that was in them. If the descendants of the crucifiers of the Christ are to be persecuted, brutalized, and exiled for the sins of the fathers, why not apply the same pitiless law of hereditary punishment to the descendants of the Athenian dicasts who administered hemlock to the greatest sage of antiquity? Why not persecute all the Greeks of the earth, wherever found, because of the injustice of the Areopagus?

Let no persecutor of the Jew lay the unction to his soul that he is justified by the tragedy of Golgotha, for he who persecutes in the name of religion is a spiritual barbarian, an intellectual savage. Let this same persecutor not make the mistake of supposing that the Jews are wholly responsible for the persecution that has been heaped upon them. Before he falls into the foolish blunder of such a supposition let him ponder the testimony of several gentile experts upon the subject. Let him read *The Scattered Nation*, a brilliant lecture on the Jew by the late Zebulon Vance, of North Carolina, in which occurs this sentence: "If the Jew is a bad job, in all honesty we should contemplate him as the handiwork of our own civilization." Let him find Shakespearean confirmation of this statement in *The Merchant of Venice*, act 3, scene 1. If the Jew baiter objects that this is the imagination of a poet, let us then point him to the testimony of a great historian and statesman to prove to him that the gentile is in great measure responsible for the causes that have produced Jewish persecution.

In the British House of Commons on April 17, 1833, a bill for the removal of the disabilities of the Jews was the subject of



parliamentary discussion. Lord Macaulay took part in the debate and spoke as follows:

The honorable member for Oldham tells us that the Jews are naturally a mean race, a money-getting race; that they are averse to all honorable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are destitute of all elevated and amiable sentiments.

Such, sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been legally a home to the Jews less than half a century, and we revile them because they do not feel for England more than a half patriotism.

We treat them as slaves and wonder that they do not regard us as brethren. We drive them to mean occupations and then reproach them for not embracing honorable professions. We long forbade them to possess land and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition and then we despise them for taking refuge in avarice.

During many ages we have, in our dealings with them, abused our immense superiority of force, and then we are disgusted because they have recourse to that cunning which is the natural and universal defense of the weak against the violence of the strong. But were they always a mere money-changing, money-getting, money-hoarding race? Nobody knows better than my honorable friend, the member for the University of Oxford, that there is nothing in their national character which unfits them for the highest duties of citizens.

He knows that in the infancy of civilization, when our island was as savage as New Guinea, when letters and art were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians, and their poets.

What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the depressed descendants of warriors and sages have degenerated from the qualities of their fathers; if, while excluded from the blessings of law and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and slaves, shall we consider this is a matter of reproach to them? Shall we not rather consider it as a matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

What more eloquent tribute to the Jew and his achievements could be found in the literature of the earth? And is every word of it not as true to-day when applied to the Jews of Roumania as it was when spoken by Macaulay of the Jews of England more than 70 years ago?

But, if the persecutor of the Jew is not moved by the eloquence of Macaulay or by the satire and sarcasm of Shakespeare, then let him call the roll of Hebrew great names and watch the mighty procession as it moves. Abraham among

patriarchs; Moses among lawgivers; Isaiah and Jeremlah among prophets; Solomon and David among kings; Philo, Maimonides, Spinoza, and Mendelssohn among philosophers; Herschel, Sylvester, Jacobi, and Kronecker among mathematicians and astronomers; Josephus, Neander, Graetz, Palgrave, and Geiger among historians; Mendelssohn, Meyerbeer, Offenbach, Goldmark, Joachim, Rubinstein, and Strauss among musicians; Sonnenthal, Possart, Rachel, and Bernhardt among actors and actresses; Disraeli, Gambetta, Castelar, Lasker, Crémieux, and Benjamin among statesmen; Halévi and Heine among poets; Karl Marx and Samuel Gompers among labor leaders and political economists; the Rothschilds, Bleichröders, Schiffs, and Seligmans among financiers; Auerbach and Nordau among novelists; Sir Moses Montefiore and Baron Hirsch among philanthropists.

Civilization may well rush to the rescue of the Jew when threatened with destruction as a terrified and frantic mother struggles to save a favorite child, for if the Bible and the Talmud of the Jews, with all that they teach and mean, should be stricken from the earth, mankind would relapse with frightful speed into savage and barbaric night.

Liberty may well complain when Jews are persecuted and oppressed, for from the days of Isaiah and Jeremiah, the first great revolutionists of earth, to the times of Gambetta and Castelar, the fierce and uncompromising advocates of republican government in France and Spain, freedom's cause has had no nobler, braver champions than the sons of Israel.

Religion and Literature will gladly join hands with Liberty and Civilization, their dearest children, in protesting against mistreatment of the sons of Abraham, for, in every century of history, with their hands tied behind them and their hearts burdened to the breaking point, with a bitter load of hatred and persecution, Jews have yet managed, from the cave of the prophets and from the manger of the Christ, from the filth of the Judengasse, and from the darkness of the hovels of the Ghetto, to plant in the garden of life, in the soil of the soul, the most beautiful and fragrant flowers that bloom and blossom there.

This race deserves the gratitude and homage, not the hatred and persecution of mankind. The parliaments and congresses of enlightened nations, whose peoples are truly grateful, civilized, and free, will in the future extend to the Jewish race, the chief benefactors of mankind, a positive protection, and will guarantee to each and every one of them who is honestly guided and righteously disposed, a free hand with a full swing in the struggle of life. [Loud applause.]

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